PRE-APPEAL BRIEF REQUEST FOR REVIEW

	Docket Number
	853463.467USPC

Application Number	Filed
10/578,646	May 9, 2006
First Named Inventor	
Amjad Soomro	
Art Unit	Examiner
2453	Matthew S. Lindsey

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
   Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
   See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
   (Form PTO/SB/96.)

☒ attorney or agent of record.
   Registration No. 47,435

☐ attorney or agent acting under 37 CFR 1.34.
   Registration number if acting under 37 CFR 1.34 _____.

/Timothy L. Boller/
_____
Signature

Timothy L. Boller
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Typed or Printed Name

(206) 622-4900
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Telephone Number

June 10, 2011
_____
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☒ *Total of <u>1</u> forms are submitted.

SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Amjad Soomro
Application No.	:	10/578,646
Filed	:	May 9, 2006
For	:	METHOD AND SYSTEM FOR PROVIDING SERVICE TO WIRELESS DEVICES OPERATING IN A POWER SAVING MODE

Examiner	:	Matthew S. Lindsey
Art Unit	:	2453
Docket No.	:	853463.467USPC
Date	:	June 10, 2011

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<u>PRE-APPEAL BRIEF REQUEST FOR REVIEW - REMARKS</u>

Claims 1-23 are pending. The Examiner rejected claims 1, 3-8, 10-20 and 22 under 35 U.S.C. Section 103(a) as allegedly obvious over U.S. Patent Publication No. 2004/0264397 by Benveniste in view of U.S. Patent No. 7,274,691 by Rogers. The Examiner rejected claims 2, 9, 21 and 23 under 35 U.S.C. Section 103(a) as allegedly obvious over Benveniste in view of Rogers and U.S. Patent Publication No. 2003/0126244 by Smith, et al. The Examiner's rejections are respectfully traversed. For purposes of appeal, the Examiner entered the amendments after final and withdrew the rejections under 35 U.S.C. Section 101.

Independent claim 1 recites, "[a] method to determine in a network component when to provide service to client devices operating in power-saving mode in a wireless network, said method comprising: receiving requests for service from respective ones of said client devices, the received requests for service including a request for scheduled service received from a first one of the client devices and a request for unscheduled service received from a second one of the client devices, <u>said network component being informed of said request for scheduled service by a field of a traffic specification format being set to a first value, said network</u>

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component being informed of said request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value …" Independent claim 8 recites, "said device being informed of said request for scheduled service by a field of a traffic specification format being set to a first value, said device being informed of said request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value." Independent claim 18 recites, "review … said requests for service, the requests for service including requests for scheduled service and requests for unscheduled service, said network component being informed of said requests for scheduled service by a field of a traffic specification format being set to a first value, said network component being informed of said requests for unscheduled service by said field of said traffic specification format being set to a second value different from said first value." Independent claim 22 recites, "become informed of a request for scheduled service based on a field of a traffic specification format being set to a first value; become informed of a request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value."

The Examiner concedes that Benveniste does not disclose the underlined features of the respective independent claims. The Examiner points to Column 10, lines 35-43 of Rogers. The cited portion of Rogers instead refers to identifying packets as part of a particular real-time application packet flow using header fields. There is no mention of using a field of traffic specification format to indicate whether a request for service is a request for scheduled service or a request for unscheduled service. Further, Rogers appears to be completely unrelated to devices operating in a power-saving mode. The Examiner does not argue that Smith provides the missing teachings. Accordingly, Benveniste, considered alone or in combination with Rogers and Smith, does not render the independent claims obvious at least because the references do not disclose the underlined features of the respective independent claims. The Examiner provides no reasoned explanation why one of skill in the art would have found the required further modifications to the combination of Benveniste, Rogers and Smith to be obvious. Accordingly, independent claims 1, 8, 18 and 22 are not rendered obvious by the combination of Benveniste, Rogers and Smith. The dependent claims are allowable at least by virtue of their dependencies, as well as because of the novel and non-obvious combinations claimed therein.

In response to the above arguments, the Examiner states as follows:

> 25.   Applicant argues: "The cited portion of Rogers instead refers to identifying packets as part of a particular real-time application packet flow using header fields. There is no mention of using a field of traffic specification format to indicate whether a request for service is a request for scheduled service or request for unscheduled service" (pg 8, lines 16-20).
>
>   Examiner respectfully disagrees. Rogers deals with the scheduling of packet flows to provide guaranteed bandwidth (Col. 6, lines 27-52). Real-time packets of Rogers are packets associated with delivery delay limit guarantees (Rogers, Col. 10, lines 30-31). The real-time packets are sent according to a predetermined, allocated schedule (Rogers, Col. 10, lines 42-43). The packet flow associated with a real-time application (or an application with delivery delay limit guarantees) is identified by packet header field values that are common to all packets in the flow (Rogers, Col. 10, lines 35-38). Therefore, in Rogers there are packet header values that are different between a scheduled packet flow and unscheduled packets. Rogers uses the packet header values (a field of traffic specification format) to differentiate between scheduled and unscheduled packet flows (indicate whether a request for service is a request for scheduled service or request for unscheduled service).

The cited portions of Column 10 of Rogers upon which the Examiner relies are reproduced below:

> 30   The transmission of packets associated with delivery and delay limit guarantees, referred to as real-time packets, is now described. Such packets may, for example, be associated with real-time applications. The association between a real-time packet and a real-time application may, for 35 example, be through packet flow. A packet flow associated with a real-time application may be identified by some set of packet header field values that are common to all packets within the packet flow. Real-time packets may also be handled by the switch 2. For example, processing of real-40 time packets sent by the host 1 to the switch 2 requires that the host 1 coordinate its guaranteed transmissions with the switch 2. The host 1 will further send its real-time packets in accordance with a predetermined, allocated schedule. In

Thus, as previously argued, the cited portion of Rogers discusses identifying packets as part of a <u>particular real-time application packet flow</u> using header fields. There is no mention of using <u>a field of traffic specification format</u> of <u>a request for service</u>, for any reason, let alone to indicate whether the request for service is a request for scheduled service or a request for unscheduled service. To the extent the Examiner contends Rogers inherently discloses the missing feature based on the reference to coordinating between the host and the switch, evidentiary support is respectfully requested. It is noted that inherency is not shown merely because a reference could be modified to include a missing feature.

In the Advisory Action, the Examiner points to disparate portions of Rogers that (i) mention real-time packet flows may be scheduled (Column 12, lines 12-28) and (ii) discuss using header values to identify packets as part of a <u>previously scheduled</u> real-time packet flow. The Examiner then apparently reasons (without citing any evidentiary support) that a packet that identifies itself as part of a previously scheduled particular real-time application packet flow using any combination of header field values identifies itself as a request for scheduled service using those fields.

With respect to claim 1, assuming for the sake of argument that a packet using one or more fields to identify itself as part of a previously scheduled real-time packet flow somehow discloses "said network component being informed of said request for scheduled service by a field of a traffic specification format being set to a first value," this does not mean that Rogers would also disclose "said network component being informed of said request for unscheduled service by <u>said field</u> of said traffic specification format being set to a second value different from said first value." For example, the one or more fields of the previously scheduled packets of Rogers could have different values for any number of reasons, such as to indicate they are part of another previously scheduled real-time packet flow.

Similarly, with respect to claim 8, assuming for the sake of argument that a packet using one or more fields of a header to identify itself as part of a previously scheduled real-time packet flow somehow discloses "said device being informed of said request for scheduled service by a field of a traffic specification format being set to a first value," this does not mean that Rogers would also disclose "said device being informed of said request for unscheduled service by <u>said field</u> of said traffic specification format being set to a second value different from

said first value." With respect to claim 18, assuming for the sake of argument that a packet using one or more fields of a header to identify itself as part of a previously scheduled real-time packet flow somehow discloses "said network component being informed of said requests for scheduled service by a field of a traffic specification format being set to a first value," this does not mean that Rogers would also disclose "said network component being informed of said requests for unscheduled service by said field of said traffic specification format being set to a second value different from said first value." With respect to claim 22, assuming for the sake of argument that a packet using one or more fields of a header to identify itself as part of a previously scheduled real-time packet flow somehow discloses "become informed of a request for scheduled service based on a field of a traffic specification format being set to a first value," this does not mean that Rogers would also disclose "become informed of a request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value." As discussed above, the one or more fields of the previously scheduled packets of Rogers could have different values for any number of reasons, such as to indicate they are part of another previously scheduled real-time packet flow.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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